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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,158	11/15/2001	Jeffrey D. Kenyon	020366-086100US	3861
20350	7590	04/06/2006	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			POND, ROBERT M	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/991,158

Applicant(s)

KENYON, JEFFREY D.

Examiner

Robert M. Pond

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,4,6-12 and 22-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,4,6-12 and 22-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

All pending claims (2, 4, 6-12, and 22-26) were examined in this non-final office action necessitated by new grounds of rejection.

Response to Arguments

Applicant's arguments with respect to claims 2, 4, 6-12, and 22-26 have been considered but are moot in view of the new ground(s) of rejection. Covington was withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 1. Claims 2, 4, 6, 8-12, 22, 24, and 25 are rejected under 35 USC 103(a) as being unpatentable over Treyz (US 6,587,835) in view of Covington (Paper #20041018, US 2003/0154135).**

Treyz teaches using electronic devices and portable handheld devices for electronic shopping using a web browser via an in-home computer or device or

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in-store shopping using a customer supplied portable device (e.g. PDA). Treyz further teaches:

- Accessing the information items at a website: in-store, in-mall and online shopping using a web browser to navigate (see at least Fig. 1; Fig. 2; col. 9, line 55 through col. 11, line 12; col. 11, lines 13-23).
- Searching a database: web site includes a web server, database organized for rapid search and retrieval (see at least Fig. 48; col. 37-38).
- Placing the information items in an information shopping cart at the website: consumer selects products and places selected items into shopping cart; transfers wish list to shopping cart (see at least Fig. 24; col. 28, lines 44-65;.
- Transmitting the information shopping cart having the selected information items to a portable device: in-home electronic device 28 may be used in requesting information, creating shopping lists, and placing orders for products and services. For example, in-home electronic device 28 may also be used to generate a grocery list of items to be picked up by the user in a brick-and-mortar store. The shopping list may be transmitted from the in-home electronic device to handheld computing device 12 for use in assisting the user when shopping in the store (see at least col. 10, lines 25-33).

Treyz teaches all the above as noted under the 103(a) rejection and teaches a) separating the viewing process from the buying process, and b) transferring

shopping lists from one electronic device to a portable device, but does not disclose transferring an electronic shopping cart to a portable device. Covington teaches an interactive system and method that separates the shopping process from the buying process and further teaches downloading via wireless or physical cradle connection transferring an electronic shopping cart (see at least 0016, 0070, 0072, and 0149). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of Treyz to transfer shopping cart information to a portable device as taught by Covington, in order to provide a customer shopping convenience similar to allowing a customer to transfer a shopping list or wish list.

- 2. Claim 7 is rejected under 35 USC 103(a) as being unpatentable over Treyz (US 6,587,835) and Covington (Paper #20041018, US 2003/0154135), as applied to claim 2, further in view of Communications Today (Paper # 2, PTO-892, Item: U hereinafter referred to as "CT").**

Treyz and Covington teach all the above as noted under the 103(a) rejection and teaches a) consumer viewing transmitted information from the web site using any variety of formats (col. 52, lines 1-10), and b) consumers using a PDA to interact with a web shopping service, but does not disclose the user selecting the format. CT teaches a wireless Internet service that allows users to choose from four display screen formats as their starting point for browsing the wireless Web (U: see at least page 1). Therefore it would have been obvious to one of ordinary

skill in the art at time of the invention to modify the method of Treyz and Covington to allow consumers to select a screen format as taught by CT, in order to accommodate consumer preferences, and thereby attract consumers to the commerce service.

- 3. Claims 23 and 26 are rejected under 35 USC 103(a) as being unpatentable over Treyz (US 6,587,835) in view of Covington (Paper #20041018, US 2003/0154135) further in view of Reed (Paper #20041018, US 5,862,325).**

Treyz teaches using electronic devices and portable handheld devices for electronic shopping using a web browser via an in-home computer or device or in-store shopping using a customer supplied portable device (e.g. PDA). Treyz further teaches:

- Accessing the information items at a website: in-store, in-mall and online shopping using a web browser to navigate (see at least Fig. 1; Fig. 2; col. 9, line 55 through col. 11, line 12; col. 11, lines 13-23).
- Searching a database: web site includes a web server, database organized for rapid search and retrieval (see at least Fig. 48; col. 37-38).
- Placing the information items in an information shopping cart at the website: consumer selects products and places selected items into shopping cart; transfers wish list to shopping cart (see at least Fig. 24; col. 28, lines 44-65;).

- Transmitting the information shopping cart having the selected information items to a portable device: in-home electronic device 28 may be used in requesting information, creating shopping lists, and placing orders for products and services. For example, in-home electronic device 28 may also be used to generate a grocery list of items to be picked up by the user in a brick-and-mortar store. The shopping list may be transmitted from the in-home electronic device to handheld computing device 12 for use in assisting the user when shopping in the store (see at least col. 10, lines 25-33).

Treyz teaches all the above as noted under the 103(a) rejection and teaches a) separating the viewing process from the buying process, and b) transferring shopping lists from one electronic device to a portable device, but does not disclose transferring an electronic shopping cart to a portable device. Covington teaches an interactive system and method that separates the shopping process from the buying process and further teaches downloading via wireless or physical cradle connection transferring an electronic shopping cart (see at least 0016, 0070, 0072, and 0149). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of Treyz to transfer shopping cart information to a portable device as taught by Covington, in order to provide a customer shopping convenience similar to allowing a customer to transfer a shopping list or wish list.

Treyz and Covington teach all the above as noted under the 103(a) rejection and teach providing directory services for shopping-related information but does not disclose a yellow pages directory. Reed teaches transferring data, metadata, and method from a provider computer to a consumer computer. Reed further teaches a yellow pages directory service used to classify and represent a large database of objects communicated to consumers (see at abstract; least col. 98, lines 62-67). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the method of Treyz and Covington to implement a yellow pages directory as taught by Reed, in order to classify and communicate a large database of objects to consumers, and thereby attract consumers to the service.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Robert M. Pond
Primary Examiner
April 3, 2006